HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT APPEAL No. 1171 OF 2006

Between:

A. Nageswar Rao

..... Appellant

AND

The Commissioner,
Proh. & Excise at Nampally,
Hyderabad & others

.....Respondents

:: J U D G M E N T ::

Counsel for the appellant : Shri O. Manohar Reddy

Counsel for respondent Nos.1 to 3 : Government Pleader for Prohibition & Excise

Dated: 08.11.2006

Per G.S.SINGHVI, CJ

This is an appeal for setting aside order dated 30.08.2006 passed by the learned Single Judge in Writ Petition No.15623 of 2006 whereby she declined the appellant's prayer for quashing proceedings dated 22.07.2006 issued by Prohibition and Excise Superintendent, Hyderabad.

We have heard Shri O. Manohar Reddy and perused the record.

After arguing the case at some length, Shri O. Manohar Reddy, learned counsel for the appellant made a request that his client may be permitted to withdraw this appeal as also the writ petiton with liberty to institute fresh petition on the same cause because non-impleadment of the lessee - Shri C. Narender Reddy in whose favour lease deed was executed by respondent No.4 on 25.03.2002 was a fatal defect to the maintainability of the writ petition. He submitted that the appellant may not suffer on account of the mistake which cannot be directly attributed to him.

Learned Government Pleader appearing for respondent Nos. 1to 3 says that he does not have any objection.

In view of the above, the request of Shri O.Manohar Reddy is accepted and this appeal as also Writ Petition No.15623 of 2006 are dismissed as withdrawn with liberty to the appellant to file fresh petition to challenge proceedings dated 22.07.2006.

As a sequel to dismissal of the writ appeal,

W.A.M.P.No.2438 of 2006 filed by the appellant for interim relief is also dismissed.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

08.11.2006
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